

108TH CONGRESS  
1ST SESSION

# H. R. 3378

To assist in the conservation of marine turtles and the nesting habitats  
of marine turtles in foreign countries.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 28, 2003

Mr. GILCHREST introduced the following bill; which was referred to the  
Committee on Resources

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## A BILL

To assist in the conservation of marine turtles and the  
nesting habitats of marine turtles in foreign countries.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Marine Turtle Con-  
5       servation Act of 2003”.

6       **SEC. 2. FINDINGS AND PURPOSES.**

7       (a) FINDINGS.—The Congress finds that—

8               (1) marine turtle populations have declined to  
9       the point that the long-term survival of the logger-  
10      head, green, hawksbill, Kemp’s ridley, olive ridley,

1 and leatherback turtle in the wild is in serious jeop-  
2 ardy;

3 (2) 6 of the 7 recognized species of marine tur-  
4 tles are listed as threatened or endangered species  
5 under the Endangered Species Act of 1973 (16  
6 U.S.C. 1531 et seq.), and all 7 species have been in-  
7 cluded in Appendix I of CITES;

8 (3) because marine turtles are long-lived, late-  
9 maturing, and highly migratory, marine turtles are  
10 particularly vulnerable to the impacts of human ex-  
11 ploitation and habitat loss;

12 (4) illegal international trade seriously threat-  
13 ens wild populations of some marine turtle species,  
14 particularly the hawksbill turtle;

15 (5) the challenges facing marine turtles are im-  
16 mense, and the resources available have not been  
17 sufficient to cope with the continued loss of nesting  
18 habitats caused by human activities and the con-  
19 sequent diminution of marine turtle populations;

20 (6) because marine turtles are flagship species  
21 for the ecosystems in which marine turtles are  
22 found, sustaining healthy populations of marine tur-  
23 tles provides benefits to many other species of wild-  
24 life, including many other threatened or endangered  
25 species;

1           (7) marine turtles are important components of  
2           the ecosystems that they inhabit, and studies of wild  
3           populations of marine turtles have provided impor-  
4           tant biological insights;

5           (8) changes in marine turtle populations are  
6           most reliably indicated by changes in the numbers of  
7           nests and nesting females; and

8           (9) the reduction, removal, or other effective  
9           addressing of the threats to the long-term viability  
10          of populations of marine turtles will require the joint  
11          commitment and effort of—

12                   (A) countries that have within their bound-  
13                   aries marine turtle nesting habitats; and

14                   (B) persons with expertise in the conserva-  
15                   tion of marine turtles.

16          (b) PURPOSE.—The purpose of this Act is to assist  
17          in the conservation of marine turtles and the nesting habi-  
18          tats of marine turtles in foreign countries by supporting  
19          and providing financial resources for projects to conserve  
20          the nesting habitats, conserve marine turtles in those habi-  
21          tats, and address other threats to the survival of marine  
22          turtles.

23      **SEC. 3. DEFINITIONS.**

24          In this Act:

1           (1) CITES.—The term “CITES” means the  
2       Convention on International Trade in Endangered  
3       Species of Wild Fauna and Flora (27 UST 1087;  
4       TIAS 8249).

5           (2) CONSERVATION.—The term “conservation”  
6       means the use of all methods and procedures nec-  
7       essary to protect nesting habitats of marine turtles  
8       in foreign countries and of marine turtles in those  
9       habitats, including—

10           (A) protection, restoration, and manage-  
11       ment of nesting habitats;

12           (B) onsite research and monitoring of  
13       nesting populations, nesting habitats, annual  
14       reproduction, and species population trends;

15           (C) assistance in the development, imple-  
16       mentation, and improvement of national and re-  
17       gional management plans for nesting habitat  
18       ranges;

19           (D) enforcement and implementation of  
20       CITES and laws of foreign countries to—

21           (i) protect and manage nesting popu-  
22       lations and nesting habitats; and

23           (ii) prevent illegal trade of marine  
24       turtles;

1 (E) training of local law enforcement offi-  
2 cials in the interdiction and prevention of—

3 (i) the illegal killing of marine turtles  
4 on nesting habitat; and

5 (ii) illegal trade in marine turtles;

6 (F) initiatives to resolve conflicts between  
7 humans and marine turtles over habitat used by  
8 marine turtles for nesting;

9 (G) community outreach and education;  
10 and

11 (H) strengthening of the ability of local  
12 communities to implement nesting population  
13 and nesting habitat conservation programs.

14 (3) FUND.—The term “Fund” means the Ma-  
15 rine Turtle Conservation Fund established by section  
16 5.

17 (4) MARINE TURTLE.—

18 (A) IN GENERAL.—The term “marine tur-  
19 tle” means any member of the family  
20 Cheloniidae or Dermochelyidae.

21 (B) INCLUSIONS.—The term “marine tur-  
22 tle” includes—

23 (i) any part, product, egg, or offspring  
24 of a turtle described in subparagraph (A);  
25 and

1 (ii) a carcass of such a turtle.

2 (5) MULTINATIONAL SPECIES CONSERVATION  
3 FUND.—The term “Multinational Species Conserva-  
4 tion Fund” means the fund established under the  
5 heading “multinational species conservation fund” in  
6 title I of the Department of the Interior and Related  
7 Agencies Appropriations Act, 1999 (16 U.S.C.  
8 4246).

9 (6) SECRETARY.—The term “Secretary” means  
10 the Secretary of the Interior.

11 **SEC. 4. MARINE TURTLE CONSERVATION ASSISTANCE.**

12 (a) IN GENERAL.—Subject to the availability of  
13 funds and in consultation with other Federal officials, the  
14 Secretary shall use amounts in the Fund to provide finan-  
15 cial assistance for projects for the conservation of marine  
16 turtles for which project proposals are approved by the  
17 Secretary in accordance with this section.

18 (b) PROJECT PROPOSALS.—

19 (1) ELIGIBLE APPLICANTS.—A proposal for a  
20 project for the conservation of marine turtles may be  
21 submitted to the Secretary by—

22 (A) any wildlife management authority of  
23 a foreign country that has within its boundaries  
24 marine turtle nesting habitat if the activities of

1 the authority directly or indirectly affect marine  
2 turtle conservation; or

3 (B) any other person or group with the  
4 demonstrated expertise required for the con-  
5 servation of marine turtles.

6 (2) REQUIRED ELEMENTS.—A project proposal  
7 shall include—

8 (A) a statement of the purposes of the  
9 project;

10 (B) the name of the individual with overall  
11 responsibility for the project;

12 (C) a description of the qualifications of  
13 the individuals that will conduct the project;

14 (D) a description of—

15 (i) methods for project implementa-  
16 tion and outcome assessment;

17 (ii) staff and community management  
18 for the project; and

19 (iii) the logistics of the project;

20 (E) an estimate of the funds and time re-  
21 quired to complete the project;

22 (F) evidence of support for the project by  
23 appropriate governmental entities of the coun-  
24 tries in which the project will be conducted, if

1 the Secretary determines that such support is  
2 required for the success of the project;

3 (G) information regarding the source and  
4 amount of matching funding available for the  
5 project; and

6 (H) any other information that the Sec-  
7 retary considers to be necessary for evaluating  
8 the eligibility of the project for funding under  
9 this Act.

10 (c) PROJECT REVIEW AND APPROVAL.—

11 (1) IN GENERAL.—The Secretary shall—

12 (A) not later than 30 days after receiving  
13 a project proposal, provide a copy of the pro-  
14 posal to other Federal officials, as appropriate;  
15 and

16 (B) review each project proposal in a time-  
17 ly manner to determine whether the proposal  
18 meets the criteria specified in subsection (d).

19 (2) CONSULTATION; APPROVAL OR DIS-  
20 APPROVAL.—Not later than 180 days after receiving  
21 a project proposal, and subject to the availability of  
22 funds, the Secretary, after consulting with other  
23 Federal officials, as appropriate, shall—



1           (A) consult on the proposal with the gov-  
2           ernment of each country in which the project is  
3           to be conducted;

4           (B) after taking into consideration any  
5           comments resulting from the consultation, ap-  
6           prove or disapprove the project proposal; and

7           (C) provide written notification of the ap-  
8           proval or disapproval to the person that sub-  
9           mitted the project proposal, other Federal offi-  
10          cials, and each country described in subpara-  
11          graph (A).

12       (d) CRITERIA FOR APPROVAL.—The Secretary may  
13       approve a project proposal under this section if the project  
14       will help recover and sustain viable populations of marine  
15       turtles in the wild by assisting efforts in foreign countries  
16       to implement marine turtle conservation programs.

17       (e) PROJECT SUSTAINABILITY.—To the maximum  
18       extent practicable, in determining whether to approve  
19       project proposals under this section, the Secretary shall  
20       give preference to conservation projects that are designed  
21       to ensure effective, long-term conservation of marine tur-  
22       tles and their nesting habitats.

23       (f) MATCHING FUNDS.—In determining whether to  
24       approve project proposals under this section, the Secretary

1 shall give preference to projects for which matching funds  
2 are available.

3 (g) PROJECT REPORTING.—

4 (1) IN GENERAL.—Each person that receives  
5 assistance under this section for a project shall sub-  
6 mit to the Secretary periodic reports (at such inter-  
7 vals as the Secretary may require) that include all  
8 information that the Secretary, after consultation  
9 with other government officials, determines is nec-  
10 essary to evaluate the progress and success of the  
11 project for the purposes of ensuring positive results,  
12 assessing problems, and fostering improvements.

13 (2) AVAILABILITY TO THE PUBLIC.—Reports  
14 under paragraph (1), and any other documents re-  
15 lating to projects for which financial assistance is  
16 provided under this Act, shall be made available to  
17 the public.

18 **SEC. 5. MARINE TURTLE CONSERVATION FUND.**

19 (a) ESTABLISHMENT.—There is established in the  
20 Multinational Species Conservation Fund a separate ac-  
21 count to be known as the “Marine Turtle Conservation  
22 Fund”, consisting of—

23 (1) amounts transferred to the Secretary of the  
24 Treasury for deposit into the Fund under subsection  
25 (e);

1           (2) amounts appropriated to the Fund under  
2       section 6; and

3           (3) any interest earned on investment of  
4       amounts in the Fund under subsection (c).

5       (b) EXPENDITURES FROM FUND.—

6           (1) IN GENERAL.—Subject to paragraph (2), on  
7       request by the Secretary, the Secretary of the Treas-  
8       ury shall transfer from the Fund to the Secretary,  
9       without further appropriation, such amounts as the  
10      Secretary determines are necessary to carry out sec-  
11      tion 4.

12          (2) ADMINISTRATIVE EXPENSES.—Of the  
13      amounts in the account available for each fiscal  
14      year, the Secretary may expend not more than 3  
15      percent, or up to \$80,000, whichever is greater, to  
16      pay the administrative expenses necessary to carry  
17      out this Act.

18      (c) INVESTMENT OF AMOUNTS.—

19          (1) IN GENERAL.—The Secretary of the Treas-  
20      ury shall invest such portion of the Fund as is not,  
21      in the judgment of the Secretary of the Treasury,  
22      required to meet current withdrawals. Investments  
23      may be made only in interest-bearing obligations of  
24      the United States.

1           (2) ACQUISITION OF OBLIGATIONS.—For the  
2       purpose of investments under paragraph (1), obliga-  
3       tions may be acquired—

4                   (A) on original issue at the issue price; or  
5                   (B) by purchase of outstanding obligations  
6       at the market price.

7           (3) SALE OF OBLIGATIONS.—Any obligation ac-  
8       quired by the Fund may be sold by the Secretary of  
9       the Treasury at the market price.

10          (4) CREDITS TO FUND.—The interest on, and  
11       the proceeds from the sale or redemption of, any ob-  
12       ligations held in the Fund shall be credited to and  
13       form a part of the Fund.

14       (d) TRANSFERS OF AMOUNTS.—

15           (1) IN GENERAL.—The amounts required to be  
16       transferred to the Fund under this section shall be  
17       transferred at least monthly from the general fund  
18       of the Treasury to the Fund on the basis of esti-  
19       mates made by the Secretary of the Treasury.

20           (2) ADJUSTMENTS.—Proper adjustment shall  
21       be made in amounts subsequently transferred to the  
22       extent prior estimates were in excess of or less than  
23       the amounts required to be transferred.

24       (e) ACCEPTANCE AND USE OF DONATIONS.—The  
25       Secretary may accept and use donations to provide assist-

1    ance under section 4. Amounts received by the Secretary  
2    in the form of donations shall be transferred to the Sec-  
3    retary of the Treasury for deposit in the Fund.

4    **SEC. 6. ADVISORY GROUP.**

5       (a) IN GENERAL.—To assist in carrying out this Act,  
6    the Secretary may convene an advisory group consisting  
7    of individuals representing public and private organiza-  
8    tions actively involved in the conservation of marine tur-  
9    tles.

10       (b) PUBLIC PARTICIPATION.—

11           (1) MEETINGS.—The Advisory Group shall—

12               (A) ensure that each meeting of the advi-  
13               sory group is open to the public; and

14               (B) provide, at each meeting, an oppor-  
15               tunity for interested persons to present oral or  
16               written statements concerning items on the  
17               agenda.

18           (2) NOTICE.—The Secretary shall provide to  
19    the public timely notice of each meeting of the advi-  
20    sory group.

21           (3) MINUTES.—Minutes of each meeting of the  
22    advisory group shall be kept by the Secretary and  
23    shall be made available to the public.

1       (c) EXEMPTION FROM FEDERAL ADVISORY COM-  
2 MITTEE ACT.—The Federal Advisory Committee Act (5  
3 U.S.C. App.) shall not apply to the advisory group.

4 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

5       There is authorized to be appropriated to the Fund  
6 \$5,000,000 for each of fiscal years 2005 through 2009.

7 **SEC. 8. REPORT TO CONGRESS.**

8       Not later than October 1, 2005, the Secretary shall  
9 submit to the Congress a report on the results and effec-  
10 tiveness of the program carried out under this Act, includ-  
11 ing recommendations concerning how this Act might be  
12 improved and whether the Fund should be continued in  
13 the future.

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